IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2006

CORAM

THE HONOURALE MR.JUSTICE P.JYOTHIMANI

W.P.NO.39336 OF 2006
AND
M.P.NOS.1 AND 2 OF 2006

Hy-Tech Engineering Works,
rep. By its Partner,
R.Manokaran
S/o.Rajaiah,
No.36, Rangarajan Street,
Chennai-106 .. Petitioner

Vs.

The Director of Rural
Development & Panchayat Raj,
Panagal Building,
Saidapet,
Chennai-15 .. Respondent

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of certiorari calling for the entire records relating to the impugned order passed by the respondent in his proceedings D.O.Lr.No.57135/2006/IAY-1, dated 21.9.2006 and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.S.Rajasekar, GA

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ORDER

This writ petition is filed challenging the order passed by the respondent, dated 21.9.2006, under which the respondent has made some clarifications regarding various earlier circulars, including the circular, dated 13.4.2006. In the impugned order, the respondent has stated as follows:

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"It is clarified that the Collectors/Project Officers, District Rural Development Agency are competent authorities to take appropriate action for the purchase of steel doors and windows and other items adopting the specifications subject to guidelines of various schemes without compromising the quality and without creating any loss to Government money and not exclude firms by insisting on certified companies only on subjective grounds."

2.The grievance of the petitioner is that in the circular, dated 13.4.2006, the Director, Rural Development and Panchayat Raj has insisted that in order to maintain quality and excellence in the scheme works, the Collectors must adhere the ISO 9001/BIS Norms strictly in purchasing materials like steel doors, Windows, ventilators and Hand pump etc. without any deviation. According to the petitioner, who is carrying on small scale industry, they are manufacturing steel doors, Windows and ventilators and supplying 99% to the Government Departments and therefore, as per circular, dated 13.4.2006, there is adherence to ISO 9001/BIS Norms and it is based on that, the petitioner has been supplying the said materials to Government organisations. Now that, the impugned order passed by the respondent is in effect dispensing with the requirement of ISO/BIS norms and that appears to be the grievance of the petitioner.

3.A reading of the impugned order, which also refers to the earlier circular dated 13.4.2006, would show that in the review meeting of the Project Officers, there was a discussion that by insisting ISO/BIS norms and certificates, number of participants in the tenderers has come down, even though those tenderers have been maintaining quality based on the specifications. However, in the final decision taken, as it is seen in the impugned order and as elicited above, the respondent has categorically stated that the specifications have to be followed subject to the guidelines on various schemes without compromising the quality and without creating any loss to Government money. Therefore, in my considered view, there is absolutely no substance in the apprehension of the petitioner as if the impugned order is against the circular, dated 13.4.2006. That apart, for the purpose of purchasing the materials, it is the policy of the Government for specifying the guidelines. So long as the guidelines specified do not go against the quality, the powers of this Court under Article 226 of the Constitution of India to interfere is restricted. As I have stated earlier, a reference made in the impugned order shows that the respondent has made it clear that at any cost, the specifications and guidelines has to be followed without compromising the quality and without creating any loss to the Government money.

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4.In view of the above said facts, I do not think that there is any substance in the allegations made in the writ petition. In view of the same, the writ petition fails and the same is dismissed. In such circumstances, no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

vvk

To

The Director of Rural Development & Panchayat Raj,
Panagal Building, Saidapet, Chennai-15

1 cc To Mr.C.Prakasam, Advocate, SR.48942.
1 cc To The Government Pleader, SR.49098.

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GM(CO)
RVL 26.10.2006

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